IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE SEVENTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE N.V. RAMANA

WRIT PETITION NO.23479 of 2004

Between:

1 Yerragolla Bujjamma, W/o. Chinna Gangaiah,
Moolapalli Village, Sidhout Mandal, Kadapa District.
2 Ambula Laxmamma, W/o. Nagiaha,
Moolapalli Village, Sidhout Mandal, Kadapa District.

..... PETITIONERS

AND

1 The Govt of A.P., rep. by its Secretary, Panchayat Raj Department,

Secretariat, Hyderabad.
2 The District Panchyayat Raj Officer, Kadapa District.
3 The State Election Commissioner, Buddabhavan, M.G.Road,

Secunderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the Respondents in deleting the names of the petitioners in the voters list is illegal, arbitrary and violative of principles of natural justice and consequently stay the Election Notification issued by the 3rd respondent dt. 9.12.2004.

Counsel for the Petitioners: MR. B.S.VENKATA RAMESH

Counsel for the Respondents: GP FOR PANCHAYAT RAJ & RURAL DEV.

The Court, at the stage of admission, made the following:

ORDER:

This writ petition is filed seeking to declare the action of the respondents in deleting the names of the petitioners from the voters list of Moolapalli village published on 30.11.2004 for the election to be conducted for the post of Sarpanch as illegal and arbitrary and consequently to stay the Election Notification issued by the 3rd respondent-State Election Commissioner dated 09.12.2004.

Heard the learned counsel for petitioners and learned Government Pleader for Panchayat Raj and Rural Development.

Learned counsel for the petitioners submits that the names of the petitioners were not found in the voters list published on 30.11.2004 for the election to be conducted for the post of Sarpanch and that the voters list was not revised before issuing the Election Notification on 09.12.2004.

Admittedly, the Election Notification has already been issued, and as against the said action of the respondents, an effective alternative remedy by way of an Election O.P is available before the competent Court. Therefore, this Court cannot entertain the writ petition at this stage by exercising the jurisdiction under Article 226 of the Constitution of India and the same is liable to be dismissed.

In the circumstances, the writ petition is dismissed at the stage of admission.

However, the petitioners are at liberty to avail the effective alternative remedy of filing an Election O.P before the competent Court. No costs.

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(N.V. RAMANA, J)

Date: 17.12.2004

Nsr/Msv

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Secretary, Panchayat Raj Department, Govt of A.P.,

Secretariat, Hyd.
2 The District Panchyayat Raj Officer, Kadapa District.
3 The State Election Commissioner, Buddabhavan, M.G.Road,

Secunderabad.

4. Two CCs to GP for Panchayat Raj and Rural Development, High Court of AP, Hyderabad (OUT)

5. Two CD copies.